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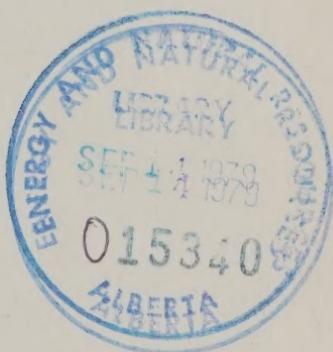
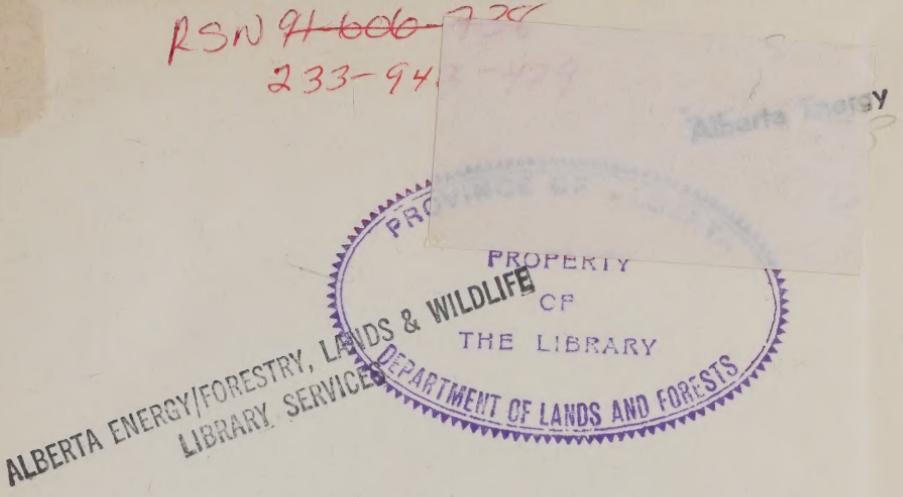


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NATURAL RESOURCES  
OF ALBERTA  
(CONSOLIDATED)

UNIVERSITY  
OF  
ALBERTA  
PRINTING DEPT.





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# The Natural Resources of Alberta

(Consolidated)

**(For Office Use Only)**

An Act Respecting the Transfer of the Natural Resources of Alberta, 1930, Chapter 21, with the following Amendments:

1931, Chapter 5 (Amending date of Transfer).

1938, Chapter 14.

1941, Chapter 72 (Schedule B not ratified by Government of Canada).

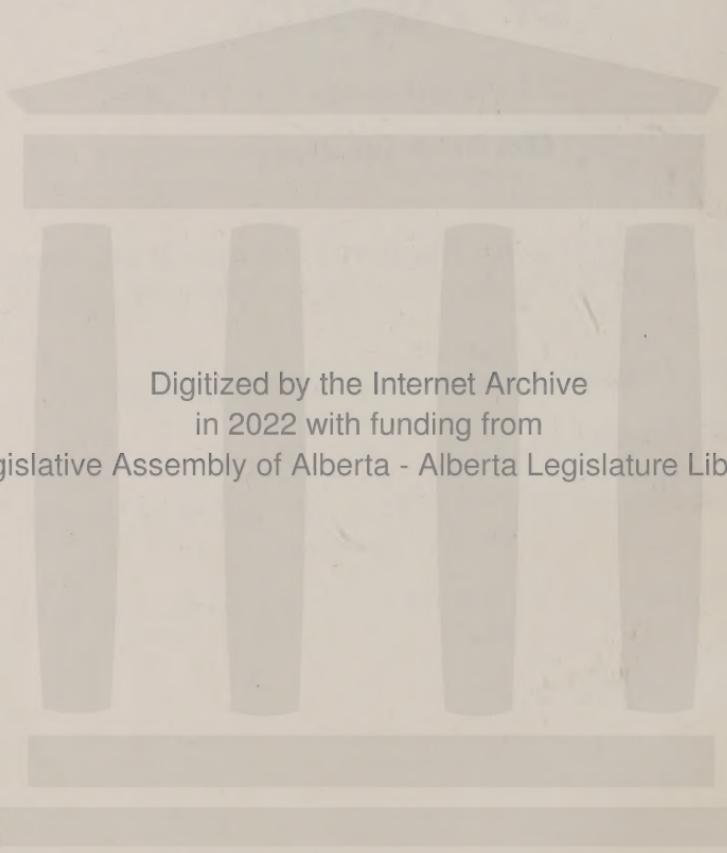
1942, Chapter 8 (Not ratified by Government of Canada).

1946, Chapter 2.—

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1930, Chapter 22—The Administration of Natural Resources (Temporary) Act.

1947, Chapter 5—The Natural Resources Transfer Settlement Act.



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# 1930

## CHAPTER 21.

### An Act respecting the Transfer of the Natural Resources of Alberta.

Amended by Chapter 14, 1938, and Chapter 72, 1941, together with:

1931, Chapter 5 (Amending date of transfer).

1938, Chapter 14.

1941, Chapter 72 (Schedule B not ratified by Government of Canada).

1942, Chapter 8 (Not ratified by Government of Canada).

1946, Chapter 2.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Alberta Natural Resources Act.*" Short title

**2.** The agreement set out in the schedule hereto is hereby approved, subject to the proviso that, in addition to the rights accruing hereunder to the Province of Alberta, the said Province shall be entitled to such further rights, if any, with respect to the subject matter of the said agreement, as are required to be vested in the said Province in order that it may enjoy rights equal to those which may be conferred upon or reserved to the Province of Saskatchewan under any agreement upon a like subject matter hereafter approved and confirmed in the same manner as the said agreement.

**3.** *The Transfer of Public Lands Act*, being chapter 69 of the Statutes of Alberta, 1926, is hereby repealed.

**4.** This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

*(Effective date of Transfer, August 1, 1930. Amended by Chapter 5, 1931, to October 1, 1930.)*



## SCHEDULE.

Schedule

**MEMORANDUM OF AGREEMENT**

Made this fourteenth day of December, 1929,

BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,

*Of the first part,*

AND

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, represented herein by the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health,

*Of the second part.*

WHEREAS by section 21 of *The Alberta Act*, being chapter 3 of four and five Edward the Seventh, it was provided that "All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under *The North-west Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act which shall apply to the said Province with the substitution therein of the said Province for the North-West Territories;"

AND WHEREAS it is desirable that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905;

AND WHEREAS it has been agreed between Canada and the said Province that the provisions of *The Alberta Act* should be modified as herein set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH :

## TRANSFER OF PUBLIC LANDS GENERALLY.

1. In order that the Province may be in the same position as the original provinces of Confederation are in virtue of section 109 of *The British North America Act, 1867*, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and the interest of the Crown in the waters and water-powers within the Province under the *North-West Irrigation Act, 1898*, and the *Dominion Water Power Act*, and all sums due or payable for such lands, mines,



minerals or royalties, or for interests or rights in or to the use of such waters or water-powers, shall, from and after the coming into force of this Agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this Agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this Agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter. (1938, c. 14.)

*Amendment to Paragraph 1, 1938, Chapter 14, Section 1:*

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "Province" in the sixth line thereof the words "and the interests of the Crown in the waters and water-powers within the Province under The North-West Irrigation Act, 1898, and The Dominion Water Power Act"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water-powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

Administrative Act  
not contained in  
consolidation

*Paragraph 1 as originally worded:*

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines minerals or royalties, shall, from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.



2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto, or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells. (1938, c. 14).

*Amendment to Paragraph 2, 1938, Chapter 14, Section 2:*

2. Paragraph 2 of the said Natural Resources Transfer Agreement is amended by adding at the end thereof the following words:

"or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field and, incidentally thereto, providing for the compulsory purchase of any well or wells."

*Amendment to Paragraph 2, 1941, Chapter 72, Schedule B, Paragraph 1:*

1. Paragraph 2 of the said Natural Resources Transfer Agreement as amended by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed by the Parliament of Canada and the Legislature of the Province is amended by adding at the end thereof the following words:—

"Provided, however, that the provisions of this paragraph shall not apply to any contract to purchase or lease petroleum or natural gas or to any other arrangement whereby any person prior to the first day of October, one thousand nine hundred and thirty, had become entitled to any interest in such petroleum or natural gas as against the Crown." (Not ratified by Government of Canada.)

*Paragraph 2 as originally worded:*

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangements, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made



under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, work-shops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by *The Dominion Lands Act* and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, *The Dominion Lands Act* or the said Agreement of the 23rd day of December, 1924.

#### SCHOOL LANDS FUND AND SCHOOL LANDS.

6. Upon the coming into force of this Agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections 22 and 23 of *The Act to amend and consolidate the several Acts respecting Public Lands of the Dominion*, being chapter 31 of 42 Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The school lands fund to be transferred to the Province as aforesaid, and such of the school lands specified in section



37 of *The Dominion Lands Act*, being chapter 113 of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections 37 to 40 of *The Dominion Lands Act*, for the support of schools organized and carried on therein in accordance with the law of the Province.

#### WATER.

8. Canada agrees that the provision contained in section 4 of *The Dominion Water Power Act*, being chapter 210 of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this Agreement in so far as the same applies to undertakings within the Province: nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section 92 of *The British North America Act, 1867*.

#### FISHERIES.

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this Agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, license or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

#### INDIAN RESERVES.

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs 1 to 6 inclusive and of paragraph 8 of the Agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said Agreement was confirmed by statute of Canada, 14 and 15 George the Fifth chapter 48, shall (except so far as they relate to *The Bed of Navigable Waters Act*) apply to the lands included in such Indian reserves as may hereafter be



set aside under the last preceding clause as if the said Agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping, and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

#### SOLDIER SETTLEMENT LANDS.

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of *The Soldier Settlement Act*, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

#### NATIONAL PARKS.

14. The parks mentioned in the schedule hereto shall continue as national parks and the lands included therein, as the same are described in the Orders in Council in the said schedule referred to (except such of the said lands as may be hereafter excluded therefrom), together with the mines and minerals (precious and base) in each of the said parks and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as national parks, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph 3 of this Agreement shall apply thereto as from the date of such declaration.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within



the same, and that all general taxing Acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks.

#### SEED GRAIN, ETC., LIENS.

17. Every lien upon any interest in any unpatented land passing to the Province under this Agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof.

#### GENERAL RESERVATION TO CANADA.

18. Except as herein otherwise expressly provided, nothing in this Agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under *The Land Titles Act* of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this Agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this Agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.



**HISTORIC SITES, BIRD SANCTUARIES, ETC.**

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

**FINANCIAL TERMS.**

20. In lieu of the provision made by subsection 1 of section 20 of *The Alberta Act*, Canada will, from and after the date of the coming into force of this Agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this Agreement any payment has been made under subsection 1 of section 20 of *The Alberta Act* in respect of any half-year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

22. It is agreed that the Honourable W. F. A. Turgeon, a judge of the Court of Appeal of Saskatchewan, Charles M. Bowman, of the Town of Waterloo, in the Province of Ontario, Esquire, Chairman of the Board of Directors of the Mutual Life Assurance Company of Canada, and Fred E. Osborne, Esquire, Mayor of the City of Calgary, or, if any of the foregoing cannot act, then such other person or persons as may be agreed upon, will be appointed commissioners under Part I of *The Inquiries Act* to enquire and report whether any, and, if any, what consideration, in addition to the sums provided in paragraph 20 hereof, should be paid to the Province in order that the Province may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905, such commissioners to be empowered to decide what financial or other considerations are relevant to the enquiry, and the report to be submitted to the Parliament of Canada and to the Legislature of Alberta; and if by



the said report, the payment of any additional consideration is recommended, then, upon Agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such Agreement.

#### RECORDS.

23. Canada will, after the coming into force of this Agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

#### AMENDMENT OF AGREEMENT.

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

#### WHEN AGREEMENT COMES INTO FORCE.

25. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

IN WITNESS WHEREOF the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government  
of Canada by the Honourable  
Ernest Lapointe, Minister of Jus-  
tice, and the Honourable Charles  
Stewart, Minister of the Interior,  
in the presence of

Signed on behalf of the Province of  
Alberta by the Honourable John  
Edward Brownlee, Premier of the  
said Province, and the Honour-  
able George Hoadley, Minister of  
Agriculture and Health thereof,  
in the presence of



## SCHEDULE.

## PARKS.

Buffalo.....	P.C. 463, 7th March, 1908. P.C. 1306, 5th June, 1909. P.C. 646, 27th March, 1913. P.C. 2842, 26th November, 1920. P.C. 498, 31st March, 1924. P.C. 408, 19th March, 1925.
Elk Island.....	P.C. 646, 27th March, 1913. P.C. 377, 20th February, 1922.
Jasper.....	P.C. 1323, 14th September, 1907. P.C. 1068, 18th May, 1909. P.C. 1338, 8th June, 1911. P.C. 1165, 24th June, 1914. P.C. 637, 7th April, 1927. P.C. 158, 6th February, 1929. P.C. 159, 6th February, 1929.
Nemiskam.....	P.C. 1134, 31st, May, 1922.
Rocky Mountains.....	P.C. 2197, 25th November, 1885. P.C. 1891, 23rd July, 1892. P.C. 1338, 8th June, 1911. P.C. 2594, 18th September, 1917. P.C. 158, 6th February, 1929.
Wawaskesy.....	P.C. 1134, 31st May, 1922.
Waterton Lakes.....	P.C. 11621, 30th May, 1895. P.C. 1338, 8th June, 1911. P.C. 1165, 24th June, 1914. P.C. 1298, 20th April, 1921. P.C. 2556, 20th July, 1921.
Wood Buffalo Reserve.....	P.C. 2498, 18th December, 1922. P.C. 408, 14th March, 1925. P.C. 634, 30th April, 1926. P.C. 1444, 24th September, 1926.



# 1931

## CHAPTER 5.

### An Act to ratify a certain Agreement between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to March 28, 1931)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. An Agreement dated the twenty-ninth day of July, 1930, and made between the Government of the Dominion of Canada, represented therein by the Honourable Charles Stewart, Minister of the Interior, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable John Edward Brownlee, Premier of Alberta, of the second part, and set forth in the schedule to this Act, is hereby approved, ratified and confirmed.

2. This Act shall come into force on the day upon which it is assented to.

Agreement  
of July 29,  
1930, ratified

Coming into  
force of Act

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## SCHEDULE.

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MEMORANDUM OF AGREEMENT made this 29th day of July, 1930.

BETWEEN :

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Charles Stewart, Minister of the Interior,

OF THE FIRST PART,

AND

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, represented herein by the Honourable John Edward Brownlee, Premier of Alberta,

OF THE SECOND PART.

WHEREAS by paragraph 24 of the agreement made between the parties hereto on the 14th day of December, 1929, it was agreed that the provisions of the said agreement might be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province; and

Whereas it was further provided by certain clauses of the said agreement, more particularly paragraphs 1, 6, 8, 9, 18, 20, 21 and 23, that the relations of the parties thereto should be altered as in the said agreement specified from and after



the date of the coming into force thereof, and the date upon which it was then contemplated that it should come into force, as defined by paragraph 25, has now been ascertained as being the first day of August, 1930; and

Whereas the Government of the Province has requested that the presently existing powers and rights of each of the parties should continue without alteration until the first day of October, 1930, and the parties hereto have agreed accordingly:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Notwithstanding anything in the said agreement contained, any expression therein contained which defines a date by reference to which the powers or rights of either of the parties are to be altered shall be read as referring to the first day of October, 1930, instead of the first day of August in that year.

2. The Government of Canada will recommend to Parliament and the Government of the Province of Alberta will recommend to the Legislature of the said Province such legislation as may be necessary to give effect to this agreement.

IN WITNESS WHEREOF the Honourable Charles Stewart, Minister of the Interior, has hereunto set his hand on behalf of the Dominion of Canada, and the Honourable John Edward Brownlee, Premier of Alberta, has hereunto set his hand on behalf of the said Province.

SIGNED on behalf of the Government  
of Canada by the Honourable  
Charles Stewart, Minister of the  
Interior, in the presence of

W. W. CORY.

CHAS. STEWART.

SIGNED on behalf of the Province of  
Alberta by the Honourable John  
Edward Brownlee, Premier of the  
said Province, in the presence of

E. A. BROWN.

J. E. BROWNLEE



# 1938

## CHAPTER 14.

### An Act to ratify a certain Agreement between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to March 31, 1938.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. An Agreement dated the fifth day of March, 1938, and made between the Government of the Dominion of Canada, represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in the Schedule to this Act, is hereby approved, ratified and confirmed.

2. This Act shall come into force on the day upon which it is assented to. Coming into force of Act

#### THE SCHEDULE.

MEMORANDUM OF AGREEMENT made this fifth day of Schedule March, A.D. 1938.

##### BETWEEN

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

##### OF THE FIRST PART,

— and —

The Government of the Province of Alberta, represented herein by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,

##### OF THE SECOND PART.

Whereas the Agreement entered into between the parties hereto on the fourteenth day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement), was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Com-



mons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled *The British North America Act, 1930*, being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the twenty-ninth day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious or base), and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

And whereas doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under *The North-West Irrigation Act, 1898*, and *The Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts, it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed;

And whereas by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;



And whereas it has been agreed between Canada and the said Province that the terms of said paragraph 2 should be modified as herein set out,—

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "Province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under *The North-West Irrigation Act, 1898*, and *The Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 herein-before provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water-powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. Paragraph 2 of the said Natural Resources Transfer Agreement is amended by adding at the end thereof the following words:

"or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field and, incidentally thereto, providing for the compulsory purchase of any well or wells".

3. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable David Bertram Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable



Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, in the presence of—

W. C. BETHUNE.

T. A. CRERAR.

Signed on behalf of the Government of Alberta by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, in the presence of—

ERNEST C. MANNING.

D. B. MULLEN.

N. E. TANNER.



Schedule B of this Act was not ratified by the  
Government of Canada,

**1941**

## **CHAPTER 72.**

### **An Act to Ratify Certain Agreements Between the Government of the Dominion of Canada and the Government of the Province of Alberta.**

*(Assented to April 8, 1941.)*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** An Agreement dated the twenty-eighth day of March, 1941, and made between the Government of the Dominion of Canada, represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in Schedule A to this Act, is hereby approved, ratified and confirmed.

**2.** An Agreement dated the twenty-eighth day of March 1941, and made between the Government of the Dominion of Canada represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in Schedule B to this Act, is hereby approved, ratified and confirmed.

**3.** This Act shall come into force on the day upon which it is assented to.

## **SCHEDELE A.**

MEMORANDUM of Agreement made this twenty-eighth day of March, A.D. 1941 :

BETWEEN :

The Government of the Dominion of Canada,  
represented herein by the Honourable Thomas  
Alexander Crerar, Minister of Mines and Resources,

**OF THE FIRST PART.**



and

The Government of the Province of Alberta, represented herein by the Honourable Duncan Bruce MacMillan, Minister of Agriculture, and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,

OF THE SECOND PART.

Whereas the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by section 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent Statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement provides that the National Parks listed in the Schedule thereto were to continue to be vested in and administered as such by the Dominion of Canada;

And whereas the Natural Parks Act, being chapter 33 of the Statutes of 1930 provided that parks were dedicated to the people of Canada for their benefits, education and enjoyment and that they should be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations, and no exploitation of the lands therein for commercial purposes was contemplated;

And whereas it has been agreed that to meet requirements arising out of the war, authority should be granted the Calgary Power Company, Limited, to proceed with the works necessary to increase the storage of water in Lake Minnewanka in Banff National Park and the construction of an electric power plant at Anthracite, also in the said park, with necessary transmission lines for conveying the electric power so developed for use in the park and in areas outside the park;

And whereas the Governor General in Council by order P.C. No. 7382 of the 13th December, 1940, has signified his approval of the development;

Now therefore this agreement witnesseth that:

1. Notwithstanding anything in the said Natural Resources Transfer Agreement contained, the Minister of Mines and Resources of Canada may grant the Calgary



Power Company, Limited, the rights as hereinafter enumerated, subject to such terms and conditions as the Governor General in Council may approve and to any rights existing or which may be created under *The Irrigation Act*, or Part I of *The Alberta Water Resources Act*:

- (a) The right to raise Lake Minnewanka to a full supply level of elevation 4,840 feet above mean sea level (Geodetic datum) or such lesser elevation as may subsequently be determined by the Minister of Mines and Resources as being the economic maximum with the right to store water up to said elevation and use 200,000 acre-feet of the storage so created or such lesser amount as may subsequently be determined by the said Minister as being the economic maximum by the construction of a dam across the Cascade River Valley at or near the outlet of the said lake;
- (b) The right to divert, take and use the water so stored for power purposes by diverting the same through a canal and conduit down a lateral valley to a power station to be constructed on the Cascade River flat at or near Anthracite, and at that point to return the water by suitable works to the Cascade River;
- (c) The right to convey the waters of the Ghost River into Lake Minnewanka through a canal extending from the park boundary to Lake Minnewanka;
- (d) The right to construct transmission lines with the necessary rights-of-way connecting the proposed power station with the existing transmission system of the company outside the park and the system now supplying Banff;
- (e) The right to sell electric power to residents in Banff townsite and vicinity;
- (f) And generally the right to perform such acts in connection with said storage and power development scheme as may be approved from time to time by the Minister of Mines and Resources.

2. The area involved shall continue to be part of the Banff National Park and the license for the storage of water and power development shall contain such terms and conditions as may be considered necessary to safeguard, so far as possible, the purpose for which the park was established.

3. The license covering the right to store water and develop power shall be in accordance with and subject to *The Dominion Water Power Act* and amendments thereto and shall vest in the licensee all necessary rights and powers provided in said Act to be vested in any person authorized to carry out an undertaking and shall contain provisions to safeguard the interests of present and future holders of water rights below the works.

4. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the



Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, in the Presence of:

C. W. JACKSON.

T. A. CRERAR.

Signed on behalf of the Government of Alberta by the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, in the presence of:

D. B. MACMILLAN.

N. E. TANNER

KATHLEEN ROSS,  
Witness for Minister of  
Agriculture.

MARY C. LIVINGSTONE,  
Witness for Minister of  
Lands and Mines.

#### SCHEDULE B.

Memorandum of Agreement made this twenty-eighth day of March, A.D. 1941.

BETWEEN :

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART,



and

The Government of the Province of Alberta, represented herein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,

OF THE SECOND PART.

Whereas the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 29th day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base) and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

And whereas by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof, every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise except either with consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

And whereas the said paragraph 2 was by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed, varied by adding at the end thereof the following words:—

"or is legislation relating to the conservation of oil resources or gas resources or both by the control or regu-



lation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells."

And whereas it has been agreed between Canada and the said Province that the terms of said paragraph 2 as so varied should be modified as herein set out;

Now therefore this Agreement Witnesseth that:

1. Paragraph 2 of the said Natural Resources Transfer Agreement as amended by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed by the Parliament of Canada and the Legislature of the Province is amended by adding at the end thereof the following words:—

"Provided, however, that the provisions of this paragraph shall not apply to any contract to purchase or lease petroleum or natural gas or to any other arrangement whereby any person prior to the first day of October, one thousand nine hundred and thirty, had become entitled to any interest in such petroleum or natural gas as against the Crown."

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, has hereunto set his hand on behalf of the Province of Alberta.

Signed on behalf of the  
Government of Canada by  
the Honourable Thomas  
Alexander Crerar, Minister  
of Mines and Resources  
in the presence of:

C. W. JACKSON.

T. A. CRERAR.

Signed on behalf of the  
Government of Alberta by  
the Honourable Nathan  
Eldon Tanner, Minister of  
Lands and Mines in the  
presence of:

J. J. FRAWLEY.

N. E. TANNER.



This Agreement was approved by Orders in Council, Alberta, O.C. 286/42, March 12, 1942, Government of Canada, P.C. 1967, March 13, 1942, and ratified by the Province, 1942, Chapter 8, but not ratified by the Government of Canada and it was, therefore, not effective.

# 1942

## CHAPTER 8.

### An Act to ratify a certain Agreement between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to March 19, 1942.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** An Agreement dated the sixteenth day of March, 1942, and made between the Government of the Dominion of Canada, represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in the Schedule to this Act, is hereby approved, ratified and confirmed.

Agreement  
between  
Canada and  
Alberta  
approved

**2.** This Act shall come into force on the day upon which it is assented to.

Coming into  
force of Act

## SCHEDULE.

MEMORANDUM of Agreement made this sixteenth day of March, A.D. 1942,—

### BETWEEN :

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the First Part;

and

The Government of the Province of Alberta, represented herein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the Second Part.

Whereas the Agreement entered into between the parties hereto on the fourteenth day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement), was duly approved by the Parliament of Can-



ada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930" being chapter 26 of the Imperial Statutes, 20-21, George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the twenty-ninth day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base) and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

And whereas by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof, every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

And whereas the said paragraph 2 was by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed, varied by adding at the end thereof the following words: "or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells."

And whereas it has been agreed between Canada and the said Province that the terms of said paragraph 2 as so varied should be modified as herein set out;



Now therefore this Agreement witnesseth that:

1. Paragraph 2 of the said Natural Resources Transfer Agreement as amended by Agreement dated the fifth day of March, A.D. 1938, and duly confirmed by the Parliament of Canada and the Legislature of the Province is amended by adding at the end thereof the following words:

"Provided, however, that the provisions of this paragraph shall not apply to any contract to purchase or lease petroleum or natural gas or to any other arrangement whereby any person prior to the first day of October, one thousand nine hundred and thirty, had become entitled to any interest in such petroleum or natural gas as against the Crown."

2. The amendment to paragraph 2 of the Natural Resources Transfer Agreement provided for in the foregoing paragraph of this Agreement is subject to the following terms and conditions with respect to the royalty of the Crown in the right of the Province upon petroleum and natural gas, namely:

(a) Save as is provided by paragraph (b) hereof, the royalty to be computed, levied and collected on all products, other than natural gas for which provision is made in paragraphs (c) and (d) hereof, obtained by separation from every location acquired under the provisions of the regulations heretofore established by the Dominion of Canada or by the Province of Alberta for the Disposal of Petroleum and Natural Gas Rights in Provincial Lands and School Lands, shall from each well on the location be that per centum of the products obtained from such well equivalent to the square root of the average daily production for each day the well had been on production during the calendar month for which the return is made to the Department of Lands and Mines free and clear of any deductions whatsoever; provided that, where as the result of an order or a direction of the Minister of Lands and Mines, The Petroleum and Natural Gas Conservation Board or other competent authority, a well is operated intermittently and in consequence of such operation the royalty payable is in excess of the royalty which would be payable if the well had operated continuously, then the royalty to be computed, levied and collected shall not exceed the square root of the average daily production during the calendar month for which the return is made to the Department of Lands and Mines free and clear of any deductions whatsoever; provided further that until the thirty-first day of May, 1951, the royalty to be levied and collected on all such products obtained from every location acquired under the provisions of the regulations heretofore established by the Dominion of Canada or by the Province of Alberta for the Disposal of Petroleum and Natural Gas Rights in Provincial Lands and School Lands, shall from each well on the location not exceed a rate of fifteen per centum (15%) and shall not be less than five per centum (5%) of such products obtained from such well during the calendar month for which the



return is made to the Department of Lands and Mines, free and clear of any deductions whatsoever; provided further that the person responsible to the Crown for the payment of the royalty to be levied and collected on all such products obtained from every location acquired under the provisions of the regulations heretofore established by the Dominion of Canada or by the Province of Alberta for the Disposal of Petroleum and Natural Gas Rights in Provincial Lands and School Lands may elect to pay during the said period ending the thirty-first day of May, 1951, a royalty at the rate of twelve and one-half per centum ( $12\frac{1}{2}\%$ ) of all such products obtained from the location during the calendar month for which a return is made to the Department of Lands and Mines, free and clear of any deductions whatsoever, and such election shall be determined by the first return filed with the said Department of Lands and Mines after the coming into force of this Agreement.

(b) The royalty to be computed, levied and collected on all products obtained by separation from the wells set out in the Schedule attached to this Agreement shall be ten per centum (10%) of the amount of all products obtained by separation from each such well, free and clear of any deductions whatsoever.

(c) The royalty to be computed, levied and collected on all products obtained through absorption plants or other process of a similar nature and not by gravity from every location acquired under the provisions of the regulations heretofore established by the Dominion of Canada or by the Province of Alberta for the Disposal of Petroleum and Natural Gas Rights in Provincial Lands and School Lands shall from each well on the location be fifteen per centum (15%) of the amount received by the lessee or grantee for such products, provided that where the lessee or grantee is also the operator of the absorption plant the royalty to be computed, levied and collected shall be fifteen per centum (15%) of the amount which would be paid to the lessee or grantee if the lessee or grantee and the operator of the absorption plant were not one and the same person.

(d) The royalty to be computed, levied and collected on natural gas obtained from every location, acquired under the provisions of the regulations heretofore established by the Dominion of Canada or by the Province of Alberta for the disposal of petroleum and natural gas in Provincial Lands and School Lands, consumed for some useful purpose off the location or sold shall be fifteen per centum (15%) of the selling price or fair value at the time and place of production, provided that for the purposes of this paragraph each sub-lease shall be deemed to be a location; provided further that in no event shall the royalty to be computed, levied and collected as herein provided be less than one-quarter of one cent ( $\frac{1}{4}c$ ) per thousand cubic feet (mcf).

(e) The royalties provided for in sub-paragraphs (a), (b), (c) and (d) of this paragraph shall be due and payable as and from the thirty-first day of May, 1941.



3. Notwithstanding any of the terms and conditions of this Agreement, save paragraph 2 (b) the royalty to be payable to the Crown in the right of the Province of Alberta on and after the first day of June, 1951, with respect to petroleum and natural gas produced from locations acquired either under regulations heretofore established by the Dominion of Canada or by the Province of Alberta shall be such as may at any time or from time to time be prescribed by order of the Lieutenant Governor in Council.

4. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, has hereunto set his hand on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, in the presence of:

C. W. JACKSON.

T. A. CRERAR.

Signed on behalf of the Government of Alberta by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, in the presence of:

T. C. RANKINE.

N. E. TANNER.



## SCHEDULE.

Township 18, Range 2, West    *Well Name and Number*  
Fifth Meridian—

Section 16.....	Brown No. 1. Brown No. 5. Firestone No. 1. Frontier No. 1. Okalta No. 7. Okalta No. 8. Royal Canadian No. 2.
Section 20.....	Brown No. 2. Deep Oils No. 1. Intercity No. 1. Monarch No. 1. Royal Canadian No. 1. Spyhill No. 1. Sunset No. 1. Sunset No. 2. United No. 5. York No. 1. York No. 2. York No. 3.
Section 28.....	B. & B. Royalties No. 1. Four Star No. 1. Model Spooner Reward No. 1. Three Point No. 1. Turner Valley Royalties No. 1.
Section 29.....	Command No. 1. Command No. 2. Commoil No. 1. Commoil No. 2. Commoil No. 3. Commoil No. 4. Davies No. 1. Globe No. 1. Granville No. 1. Model Spooner Reward No. 2. National No. 1. Royal Canadian No. 3. Royalite No. 31. Royalite No. 39. Share No. 1. Sunburst No. 1.



Township 18, Range 2, West      *Well Name and Number.*  
 Fifth Meridian (*Cont.*)—

Section 32.....	British Colonial No. 1. Davies No. 4. Harris No. 2. Oil Ventures No. 1. Pacific No. 1. Pacific No. 2. Pacific No. 3. Pacific No. 4. Royal Canadian No. 4. Royal Crest No. 1. Royalite No. 28. Royalite No. 30. Royalite No. 36. Royalite No. 42. Westflank No. 1. Westflank No. 2. Westflank No. 3.
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Township 19, Range 2, West  
 Fifth Meridian—

Section 6.....	Allied Royalties No. 1. East Crest No. 4. East Crest No. 5. Kamalta No. 1.
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Section 18.....	Calmont Northwest No. 1. Calmont Northwest No. 2. Calmont Northwest No. 3. Calmont Northwest No. 4. Davies No. 5. Okalta No. 9. Okalta No. 10.
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Township 19, Range 3, West  
 Fifth Meridian—

Section 12.....	United B. A. No. 1.
Section 24.....	Atlas No. 1. British Alberta Brown No. 2. Independent Royalties No. 1. Okalta No. 11. Regal No. 1. Renown No. 1.
Section 35.....	Anglo-Phillips No. 2.

Township 20, Range 3, West  
 Fifth Meridian—

Section 14.....	Royalite No. 56.
Section 15.....	Anglo-Phillips No. 1. Home-Millarville No. 8. Royalite No. 47.



Township 20, Range 3, West      Well, Name and Number.  
Fifth Meridian—(Continued)

Section 22.....	Model No. 1.
	Model No. 2.
	Royalite No. 43.
	Royalite No. 58.
	Royalite-Model No. 1.
Section 28.....	Home-Millarville No. 4.
	Home-Millarville No. 5.
	Home-Millarville No. 6.
Section 34.....	Alberta Oil Incomes No. 1.
	Major No. 1.

Township 21, Range 3, West  
Fifth Meridian—

Section 4.....	Ace No. 1.
	Alberta Oil Incomes No. 2.
	Major No. 2.
	Miracle Royalties No. 1.



# 1946

## CHAPTER 2.

### An Act to Ratify Certain Agreements Between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to March 27, 1946.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Alberta Natural Resources Act Amendment Act, 1946.*"<sup>Short Title</sup>

**2.** An agreement dated the twenty-fifth day of September, 1945, and made between the Government of the Dominion of Canada represented therein by the Honourable James Allison Glen, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented by the Honourable Duncan Bruce MacMillan, Minister of Agriculture, and in charge of Water Resources, of the second part, and set forth in Schedule I to this Act, is hereby approved, ratified and confirmed.<sup>Ratification of agreement in Schedule I</sup>

**3.** An agreement dated the 26th day of September, 1945,<sup>Ratification of agreement in Schedule II</sup> and made between the Government of the Dominion of Canada represented therein by the Honourable James Allison Glen, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in Schedule II to this Act, is hereby approved, ratified and confirmed.

**4.** This Act shall come into force on the day upon which it is assented to.<sup>Coming into force of Act</sup>

### SCHEDULE I.

Schedule I

MEMORANDUM OF AGREEMENT made this 25th day of September, A.D. 1945.

BETWEEN :

The Government of the Dominion of Canada,  
represented herein by the Honourable  
James Allison Glen, Minister of Mines and  
Resources,

Of the First Part



— and —

The Government of the Province of Alberta,  
represented herein by the Honourable  
Duncan Bruce MacMillan, Minister of  
Agriculture and in charge of Water Re-  
sources,

Of the Second Part:

Whereas in giving effect to the provisions of the Agreement entered into between the Government of the Dominion of Canada and the Government of the Province of Alberta on the 14th day of December, A.D. 1929, and the Supplementary Agreement entered into between them on the 5th day of March, A.D. 1938 (together hereinafter referred to as the Natural Resources Transfer Agreement), differences have arisen between the parties hereto in connection with certain water powers on the Bow River lying within or adjacent to the Stony Indian Reserve developed by the Calgary Power Company Limited and its predecessor in interest prior to the 1st day of October, A.D. 1930;

And whereas differences have also arisen between the parties hereto as to whether the Dominion or the Province is entitled to the benefits and subject to the obligations of the Licensor under the Licences and Water Power Agreements heretofore granted in respect of the said water powers;

And whereas it is desirable that these differences should be resolved so as to carry out the true intent and purpose of the Natural Resources Transfer Agreement;

And whereas by Paragraph 24 of the Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province

Now Therefore This Agreement Witnesseth that:

1. With respect to the water power at Horseshoe Falls,—

(a) The interest of the Crown in the bed and banks of the Bow River and in all waters and water power rights appurtenant thereto within the limits of the tract of land described in Schedule "A" hereto shall continue as and from October 1, 1930, to be vested in the Crown in the right of Canada. All rights and obligations of the Crown under the Letters Patent dated April 23, 1909, granted to Calgary Power and Transmission Company, Limited, and under the Water Power Agreement dated October 14, 1909, between the Minister of the Interior and Calgary Power and Transmission Company, Limited, and the Regulations applicable thereto shall continue to be exercisable by and binding upon the Crown in the right of Canada. The Dominion Minister shall issue the Horseshoe Falls Licence for the second term of twenty-one years from October 14, 1935, provided for in the said Water Power Agreement and shall issue any renewals of the licence subject to and as provided in the said



Water Power Agreement and Regulations but in such renewals of the licence no change shall be made in the rental or any other condition of the licence except by agreement between the Dominion and Provincial Ministers. If the said Ministers fail to agree on a readjusted rental for a renewal period, the same shall be fixed by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the Lieutenant Governor in Council and the third by the two so appointed, or in case they fail to agree by the Chief Justice of Canada, and except as herein provided, the provisions of *The Arbitration Act* of the province of Alberta shall so far as applicable govern such arbitration but without prejudice to the Licensee's right to arbitration as in the said Regulations provided. Any voluntary transfer of the Horseshoe Falls Licence to the Province or to any authority of the Province whereby the Assignee or Transferee has undertaken to assume all the obligations of the Licensee thereunder and any transfer, charge or encumbrance thereof by way of mortgage or trust deed which is approved by the Board of Public Utility Commissioners or by any other authority, board or commission designated by the Provincial Minister shall be effective subject to the Dominion Minister being notified ninety days prior to the transfer.

(b) The annual sum of \$1,500 payable under the said Letters patent dated April 23rd, 1909, together with all sums of money payable under the terms of any water power agreement or licence covering the said water power, shall continue to be payable to Canada for the benefit of the Indians of the Stony Band.

2. With respect to the water power at Kananaskis Falls,—

(a) The interest of the Crown in the bed and banks of the Bow and Kananaskis rivers and in all waters and water power rights appurtenant thereto within the limits described in Schedule "B" hereto, shall continue as and from October 1, 1930, to be vested in the Crown in the right of Canada. All rights and obligations of the Crown under the Water Power Agreement dated October 14, 1912, between the Minister of the Interior and Calgary Power Company, Limited (excepting those contained in the provisions of Paragraph 27 thereof relative to the leasing of former Park lands which have passed to the Province), and the Regulations applicable thereto shall continue to be exercisable by and binding upon the Crown in the right of Canada. The Dominion Minister shall issue the Kananaskis Falls licence for the second term of twenty-one years from October 14, 1936, provided for in the said Water Power Agreement and shall issue any renewals of the licence subject to and as provided in the said Water Power Agreement and Regulations but in such renewals of the licence no change shall be made in the rental or any other condition of the licence except by agreement between the Dominion and Provincial Ministers. If the said Ministers fail to agree on a readjusted rental for a renewal period, the same shall be fixed



by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the Lieutenant Governor in Council and the third by the two so appointed, or in case they fail to agree by the Chief Justice of Canada, and except as herein provided, the provisions of *The Arbitration Act* of the Province of Alberta shall so far as applicable govern such arbitration but without prejudice to the Licensee's right to arbitration as in the said Regulations provided. Any voluntary transfer of the Kananaskis Falls Licence to the Province or to any authority of the Province whereby the Assignee or Transferee has undertaken to assume all the obligations of the Licensee thereunder and any transfer, charge or encumbrance thereof by way of mortgage or trust deed which is approved by the Board of Public Utility Commissioners or by any other authority, board or commission designated by the Provincial Minister shall be effective subject to the Dominion Minister being notified ninety days prior to the transfer.

(b) As the administrative authority since October 1, 1930, for the former Park lands lying outside the Stony Indian Reserve, the Province will carry out the provisions of Paragraph 27 of the said Water Power Agreement dated October 14, 1912. In the event of Canada acquiring the Kananaskis Falls Power development pursuant to the terms of the said Licence and Regulations, the Province will renew the lease referred to in the said Paragraph 27 to Canada or its nominee on terms to be agreed upon between Canada and the Province, or in default of agreement to be settled by a judge of the Supreme Court of Alberta nominated by the Chief Justice of Alberta.

(c) All sums payable under the terms of the Agreement dated May 20, 1914, between the Calgary Power Company, Limited, and certain Indians of the Stony Band for land and water power rights at Kananaskis Falls, shall continue to be payable to Canada for the benefit of the Indians.

(d) As and from October 1, 1930, all sums which have been paid or are payable under the terms of the said Water Power Agreement of October 14, 1912, other than Paragraph 27 thereof, shall be divided between Canada for Indian Interests and the Province, and shall be paid to Canada and the Province respectively in proportion to the developed head within and without the Stony Indian Reserve namely; in the proportion of 45/72 to Canada and 27/72 to the Province.

(e) All sums which have been paid or are payable to Canada by the Licensee under the terms of any Water Power Licence granted by Canada pursuant to the said Agreement of October 14, 1912, including as such the annual sum of \$1,500 payable to the Superintendent General of Indian Affairs under the said Agreement of May 20th, 1914, or any Patent or other grant of land confirming or replacing the said Agreement, shall be divided between Canada for Indian Interests and the Province, and shall be paid to Canada and the Province respectively in proportion to the



developed head within and without the Stony Indian Reserve namely, in the proportion of 45/72 to Canada and 27/72 to the Province provided that Canada's share of such division shall never be less than \$1,500 per annum.

(f) All sums which become payable under the terms of the lease to be granted by the Province for the former Park land lying outside the said Reserve in pursuance of the terms of the said Agreement of October 14, 1912, shall belong to and be payable to the Province.

(g) In the event of Canada acquiring the Kananaskis Falls Power Development pursuant to the terms of the said Licence and Regulations, Canada shall thereafter during the operation of the plant at the Kananaskis Falls site pay to the Province an annual sum in respect of water rentals equal to the amount payable to the Province for water rentals in the year preceding such acquisition.

3. With respect to the water power at the Ghost site,—

(a) The Dominion Minister shall issue the Final Licence provided for in the Interim Licence granted by the Minister of the Interior of Canada on the 17th day of January, 1929, subject to and in accordance with the Water Power Regulations established under The Dominion Water Power Act by Order in Council dated October 31, 1921, published in the Canada Gazette of November 12, 1921, and as amended as to Sections 48 (13) and 83A by Order in Council of September 10, 1928, published in the Canada Gazette of September 15, 1928. The said Final Licence shall provide that as from the 1st day of January, 1930, the date upon which the Licensee completed the initial development and became entitled to a Final Licence, all transmission lines and distribution systems then or thereafter forming part of the Licensee's inter-connected electrical power system within the limits of the Province of Alberta shall form part of the undertaking established under the said Final Licence in accordance with Section 44 (e) of the said Regulations and the fixation of cost of the Ghost Power Development shall include all costs of such undertaking to and including 31st December, 1944. The said Final Licence shall also provide that for the purposes of Section 49 of the said Regulations the said undertaking shall also include as from 1st January, 1930, the Horseshoe Falls Power Development, the Kananaskis Falls Power Development and all other power and storage developments of the Licensee within the limits of the Province of Alberta constituting for the time being with the Ghost undertaking one interconnected power system of the Licensee. The Dominion Minister, or his Deputy, may do and perform all such acts and things for the issuing of the said Final Licence as are provided herein and in the said Regulations. The Dominion Minister shall also fix the "actual cost" as defined in and in the manner provided in the Water Power Regulations established under the Dominion Water Power Act by Order in Council dated October 31, 1921, of the Horseshoe Falls and Kananaskis Falls Power Developments as at 31st December, 1944.



(b) The interest of the Crown in the bed and banks of the Bow River at the Ghost site from the eastern boundary of the Stony Indian Reserve to the upstream limit of footage as shown upon Record Plan numbered 2884 on file in the Office of the Controller of Water Power at Ottawa, and in all waters and water power rights appurtenant thereto shall be deemed to belong and to have belonged to the Province as and from October 1, 1930, subject to the Final Licence for the use of all the waters of the Bow River at the said site to be issued as provided in Paragraph 3 (a) hereof and the provisions of Paragraphs 1, 2 and 3 of the Natural Resources Transfer Agreement of December 14, 1929, shall apply to the said Final Licence when issued with the same effect as if the said Licence had been issued prior to October 1, 1930, and as if all the rights and obligations of the Crown thereunder and under the Regulations had been transferred to and assumed by the Province by the Natural Resources Transfer Agreement. After such transfer and assumption as aforesaid in the application of the said Regulations amended as aforesaid to the said Licence the "Provincial Minister" shall be substituted for "the Minister of the Interior", the "Department" shall be substituted for "the Department of the Interior" and "the Supreme Court of Alberta" shall be substituted for "the Exchequer Court of Canada", and "the Crown" shall mean the Crown in the right of the Province.

(c) As and from October 1, 1930, all sums which have been paid or are payable under the terms of the said Interim Licence of January 17, 1929, and the Final Licence referred to in paragraph 3 (a) above for water power rights, since that date shall be divided between Canada and the Province in the proportions of one-half to Canada for the benefit of the said Indians of the Stony Band and one-half to the Province, and shall be paid to Canada and the Province respectively in the proportions stated.

(d) In the event of the said Final Licence, referred to in paragraph 3 (a) above, expiring or being terminated, the Province shall thereafter during the operation of the generating plant at the Ghost site, pay to Canada for the benefit of the Stony Band of Indians an annual sum equal to one-half of the average annual water power rental payable in the last five years preceding such expiry or termination or such lesser sum as the Superintendent General of Indian Affairs may fix as just and reasonable in the circumstances, provided that if the said plant be closed down the annual sum payable by the Province to Canada for the benefit of the Stony Band of Indians shall so long as the dam contributes to storage or river control be \$3,500.

(e) As and from October 1st, 1930, all sums payable for the use or occupation of land under the terms of the Interim Licence of January 17th, 1929, and the Final Licence referred to in paragraph 3 (a) above, shall belong to and be payable to the Province.



4. The licences to be issued as herein provided shall be in the form and terms of the drafts thereof initialled for indentification by the Dominion Minister and the Provincial Minister, respectively, and shall be valid and effective according to such terms, but nothing herein contained shall be deemed to be a waiver of any other rights, interests or obligations of either Canada or the Province arising out of the Natural Resources Transfer Agreement or otherwise and in particular neither Canada nor the Province waives any claim it may have or assert or admits any claim which the other party may have or assert to the title and control of the bed and banks of the Bow River or in the waters and water power rights appertaining thereto except as herein provided.

5. As used herein the expression "Dominion Minister" means The Minister of Mines and Resources of Canada and his successor in office for the time being, and the expression "Provincial Minister" means the Minister for the time being charged with the administration of *The Water Resources Act of the Province of Alberta*.

6. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In Witness Whereof the Honourable James Allison Glen, Minister of Mines and Resources, has hereunto set his hand on behalf of the Government of the Dominion of Canada; and the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, has hereunto set his hand on behalf of the Government of the Province of Alberta.

Signed on behalf of the Government of Canada, by the Honourable James Allison Glen, Minister of Mines and Resources, in the presence of:

C. W. JACKSON.

J. ALLISON GLEN.

Signed on behalf of the Government of Alberta by the Honourable Duncan Bruce MacMillan, Minister of Agriculture and in charge of Water Resources, in the presence of:

KATHLEEN L. CONNORS.]

D. B. MACMILLAN.

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SCHEDULE "A"

Schedule A

All that tract of land situated partly on the right bank and partly on the left bank of the Bow River in the Stony



Indian Reserve, described as follows: Commencing at a point in the northerly side of the Right-of-Way of the Canadian Pacific Railway, distant twenty-four chains easterly from the fifty-first mile post of the said Railway; thence North  $65^{\circ} 37'$  West twenty-two chains: thence North  $39^{\circ} 37'$  West forty-two chains: thence North  $50^{\circ} 23'$  East, one hundred and forty-six chains and thirty links: thence South  $49^{\circ} 37'$  East, thirty-six chains and thirty-six links: thence South  $39^{\circ} 37'$ , East thirty chains and sixty-eight links to the northerly limit of the Right-of-Way of the Canadian Pacific Railway: thence westerly along the said northerly limit to the point of commencement, all as shown on a plan of record in the Department of Indian Affairs, dated 5th April, 1909, as 821A, together with the bed and banks of the Bow River from the easterly boundary of the tract of land above described up to the tail-water level of the Kananaskis Power plant.

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#### SCHEDULE "B"

Schedule B

All those portions of the beds and banks of the Bow and Kananaskis Rivers from the tail-water level of the Kananaskis Plant to the south-western boundary of the Stony Indian Reserve, and from thence to the limits of floodage of the Kananaskis Falls Power Development as shown on Record Plan numbered 2894 on file in the office of the Controller of Water Power at Ottawa, and to such further limits on the said rivers to which the floodage may be from time to time extended with the consent of the Minister for the time being charged with the administration of *The Water Resources Act* of the Province of Alberta.

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#### SCHEDULE II.

Schedule II

MEMORANDUM OF AGREEMENT made this 26th day of September, 1945.

BETWEEN:

The Government of the Dominion of Canada,  
represented herein by the Honourable  
James Allison Glen, Minister of Mines and  
Resources,

Of the First Part,

— and —

The Government of the Province of Alberta,  
represented herein by the Honourable  
Nathan Eldon Tanner, Minister of Lands  
and Mines,

Of the Second Part.

Whereas, the Agreement entered into between the parties hereto on the fourteenth day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement), was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an ad-



dress to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930", being Chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas, the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties thereto, dated the twenty-ninth day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas, it was provided by paragraph 19 of the said Agreement as follows: "The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof."

And whereas, it has been agreed between Canada and the Province of Alberta that certain public shooting grounds and bird sanctuaries which were established at the time of the making of the said Natural Resources Transfer Agreement and since maintained by the Province should be discontinued and that authority should also be given under certain conditions to discontinue any public shooting grounds and bird sanctuaries established pursuant to the said Agreement;

Now Therefore, this Agreement witnesseth as follows:

1. The said Natural Resources Transfer Agreement is hereby amended by adding after the above mentioned paragraph 19 the following new paragraph:

"19a. The Province may discontinue any bird sanctuary or public shooting ground which was transferred to the Province by virtue of this Agreement or which has since been established by the Province or which may hereafter be established by the Province pursuant to this Agreement in any case in which an agreement is entered into between the Minister of Mines and Resources of Canada and the Minister of Lands and Mines of Alberta approved by the



Governor in Council and the Lieutenant Governor in Council respectively, providing for the discontinuance of any such bird sanctuary or public shooting ground."

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In Witness Whereof, the Honourable James Allison Glen, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, has hereunto set his hand on behalf of the Province of Alberta.

Signed on behalf of the  
Government of Canada  
by the Honourable James  
Allison Glen, Minister of  
Mines and Resources, in  
the presence of:

C. W. JACKSON.

J. ALLISON GLEN.

Signed on behalf of the  
Government of Alberta,  
by the Honourable Na-  
than Eldon Tanner, Min-  
ister of Lands and Mines,  
in the presence of:

GRACE A. M. MATHESON.

N. E. TANNER.



# 1930

## CHAPTER 22.

### An Act to provide for the Administration of the Provincial Natural Resources.

*(Assented to April 3, 1930.)*

**W**HÈREAS by a memorandum of agreement made the Preamble 14th day of December, 1929, between the Government of the Dominion of Canada and the Government of the Province of Alberta, it was agreed that certain lands, mines, minerals and royalties mentioned therein (hereinafter called "the transferred property") should be transferred to and administered by the Province for the purposes thereof, subject, until the Legislature of the Province should otherwise provide, to the provisions of any Act of the Parliament of Canada relating to such administration; and

Whereas it was thereby further agreed that any power or right which by any Act of the Parliament of Canada relating to any of the transferred property or by any regulation made under such Act was reserved to the Governor in Council or to the Minister of the Interior or to any other officer of the Government of Canada might be exercised by such officer of the Government of the Province as might be specified by the Legislature thereof from time to time, and until otherwise directed might be exercised by the Provincial Secretary of the Province; and

Whereas it was thereby further agreed that the agreement should take effect on the first day of the calendar month beginning next after the day upon which His Majesty should give his assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same, which day is hereinafter referred to as "the appointed day";

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Administration of Short title Natural Resources (Temporary) Act.*"

#### PART I.

2. From and after the appointed day the Acts contained in schedule A to this Act (hereinafter referred to as "the scheduled Acts") shall, insofar as the terms thereof are within the legislative capacity of the Province and insofar as they apply to the transferred property, have force in the Province as if they had been originally passed by the Legislature of the same, subject, however, to the conditions, restrictions and limitations hereinafter contained.

Application  
of Acts in  
schedule A



**3.** Reference in any scheduled Act to any corporation, person, Act or thing, mentioned in the first column of schedule B of this Act, shall be deemed to be a reference to the corporation, person, Act or thing set out opposite thereto in the second column of the said schedule.

**4.—(1)** The Lieutenant Governor in Council shall have power by Order to declare that any part or parts of any scheduled Act or any regulation or regulations made thereunder shall cease to have any effect, and to make such rules in substitution for any such repealed part or regulation, or by way of addition to any of the scheduled Acts or regulations made thereunder as may seem to him to be best calculated to effect a proper administration of the transferred property.

(2) All such Orders shall be published in *The Alberta Gazette*. Publication of Order in Council

(3) Every such Order shall be laid upon the table of the Legislative Assembly at its first session after the date thereof, and, unless and until the same is disallowed by resolution of the Legislative Assembly, shall have the same effect as if set out in this Act.

## PART II.

**5.—(1)** The Lieutenant Governor may by order establish a Department of the Public Service of the Province under such title as may be given thereto in such order, over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Province shall preside, under such title as may be given to him by the Lieutenant Governor.

(2) The member of the Executive Council so appointed shall have the administration and management of the transferred property or of such part thereof as may be entrusted to him by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may appoint a deputy minister of the Department and such inspectors, clerks, assistants and other officers as may from time to time be required and provide for the remuneration of the same and such deputy minister, inspectors, clerks, assistants and other officers shall do and perform all such acts and things relating to the business of the Department as they may be from time to time directed to do and perform by the Minister.

**6.** This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council. Coming into force of Act



## SCHEDULE A.

Schedule A

*The Fisheries Act, R.S.C., c. 73;*  
*The Dominion Forest Reserves and Parks Act, R.S.C.,*  
*c. 78;*  
*The Dominion Lands Act, R.S.C., c. 113;*  
*The Dominion Lands Surveys Act, R.S.C., c. 117;*  
*The Dominion Water Power Act, R.S.C., c. 210;*  
 and such other Acts of the Dominion of Canada or parts thereof, relating to the transferred property as may be declared by Order in Council to be in force in the Province.

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## SCHEDULE B.

Schedule B

Governor General	Lieutenant Governor
Governor in Council	Lieutenant Governor in Council
Dominion Lands	Lands of the Province
House of Parliament	Legislative Assembly
Surveyor General	The proper officer appointed by the Lieutenant Governor in Council
Minister	The Minister to whom the duty is delegated by the Lieutenant Governor in Council.
Ottawa	Edmonton.
Department of Interior	The Department to which the duty is delegated by the Lieutenant Governor in Council.
Secretary of State for Canada	The Provincial Secretary.
Director of Forestry	The proper officer appointed by the Lieutenant Governor in Council.
The Expropriation Act	The Public Works Act.
Dominion Land Surveyor	Dominion Land Surveyor or Alberta Land Surveyor.



# 1947

## CHAPTER 5.

### An Act for the Settlement of Claims of the Province Arising out of Section 22 of the Agreement Dated the Fourteenth Day of December, 1929, Whereby Canada Transferred to Alberta its Natural Resources

(Assented to March 31, 1947.)

**W**HÈREAS by the agreement dated the fourteenth day of December, 1929, and validated by enactments of the Parliament of Canada, the Legislature of Alberta and the Parliament of the United Kingdom, and in force on and after the first day of October, 1930, the natural resources within the boundaries of the Province were transferred to the Province; and Preamble

Whereas it was provided by section 22 of that agreement that three persons would be appointed commissioners under *The Inquiries Act* to inquire and report whether any, and if any, what consideration, in addition to the sums provided in section 20 of the agreement, should be paid to the Province in order that the Province might be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905; and

Whereas three commissioners were appointed by His Excellency the Governor General by P.C. Order 1588 dated the nineteenth day of July, 1934, to make the said inquiries and report thereon; and

Whereas the said commissioners made a report dated the twelfth day of March, 1935, whereby it was recommended that the Dominion pay to the Province the sum of five million dollars with interest at the rate of five per cent per annum from the first day of October, 1930, to the thirty-first day of March, 1935, and thereafter to such date and at such rate as the two Governments may agree upon; and

Whereas the two Governments are in negotiation with a view to settle the claim of the Province on the basis of the report and recommendation of the said commissioners; and

Whereas it is desirable that the Government of the Province should be given authority to settle its claim on such basis;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Natural Resources Transfer Settlement Act.*" Short title



**2.** The Lieutenant Governor in Council may authorize the Provincial Treasurer to execute on behalf of the Province an agreement with the Government of Canada whereby the Province will agree to accept the sum of five million dollars with interest at the rate of five per cent per annum from the first day of October, 1930, to the thirty-first day of March, 1935, and thereafter to such date and at such rate as the two Governments agree upon in full settlement of the Province's claim under section 22 of the agreement mentioned in the first preamble, and upon receipt of such amount to release and discharge the Government of Canada from all claims of every kind arising out of the provisions of said section 22 of the agreement mentioned in the first preamble.

**3.** This Act shall come into force on the day upon which it is assented to.

Execution of  
agreement  
authorized

Coming into  
force of Act



































































**DATE DUE**

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